



# CITY OF MEMPHIS

## COUNCIL AGENDA

September 14, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

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**CALL TO ORDER by the Sergeant-at-Arms**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**CALL OF ROLL by the Comptroller**

**APPROVAL OF PREVIOUS MEETING MINUTES (August 24, 2010)**

**ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ITEMS HELD OR DROPPED FROM THE AGENDA**

**PRESENTATIONS AND RECOGNITION OF VISITORS**

1. RESOLUTION honoring Detective April Leatherwood for being named Tennessee Association of Chiefs of Police "Officer of the Year" for the Western Division.

Conrad

ACTION REQUESTED: Adopt the resolution

**PUBLIC HEARINGS** (None)

**DIVISION OF PLANNING & DEVELOPMENT**

2. RESOLUTION approving a special use permit located on the north side of Knight Arnold Road; +/-300 feet west of New Getwell Road, containing 7.34 acres in the Single Family Residential (R-S6) District.

Ford

Case No. SUP 10-221

Applicant: Signal Source, LLC  
Marion Threatt – Representative

Request: Special use permit to allow a cellular communications tower one-hundred fifty (150) feet in height with the capacity to accommodate a minimum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

3. RESOLUTION approving a use variance located on the east side of North Graham Street at Queensbury Circle, containing 3.88 acres in the Single Family Residential (R-S6) District.

Ford

Case No. UV 10-09

Applicant: Streets Ministries  
ETI Corporation – Representative

Request: Use variance to allow a Christian Neighborhood Recreation Center

LUCB and OPD recommendation: Approval, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

**No Opposition at LUCB; No Public Hearing Required**

**ZONING ORDINANCE – THIRD AND FINAL READING**

4. **ORDINANCE** rezoning the west side of White Station Road; 255 feet north of Poplar Avenue, containing 0.679 acre in the General Office (O-G) District, up for T H I R D and F I N A L reading. (Held from 8/10)

Ford

Case No. Z 10-106

Ordinance No. 5369

Applicant: Jack Erb Company  
SR Consulting, LLC – Cindy Reaves – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

**57 NOTICES WERE MAILED ON JULY 23, 2010**



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## CONSENT AGENDA

### GENERAL ORDINANCES - FIRST READING

5. **ORDINANCE** to amend Code of Ordinances of the City of Memphis pertaining to the Budget, Salaries and Contracts of the Memphis Light, Gas and Water Division to increase the amount of contracts requiring approval of the City Council to \$500,000.00, up for F I R S T reading.

Fullilove

Ordinance No. 5383

ACTION REQUESTED: Adopt the ordinance on First reading

6. **ORDINANCE** to repeal, in its entirety, previous Ordinance No. 4388, codified as City Code, Chapter 2, Division 5, Section 2-325 thru Section 2-331 and replace with the attached Ordinance inserted in lieu thereof as a result of the findings of the 2010 Disparity Study as performed by Griffin & Strong, PC, up for F I R S T reading.

Conrad

Ordinance No. 5384

ACTION REQUESTED: Adopt the ordinance on First reading

### GENERAL ORDINANCES - SECOND READING

7. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Section 5-60 of the Code of Ordinances, City of Memphis, to require dog restraints by tie-outs or overhead cables to be in addition to traditional fencing and that dogs restrained by tie-outs or overhead cable runs be spayed or neutered, up for S E C O N D reading.

Ware

Ordinance No. 5378

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** to amend Chapter 5, Animals and Fowl, Article III.5, Dangerous/Vicious Animals, of the Code of Ordinances, City of Memphis, to require sterilization of dogs who have bitten and declare vicious dogs who have bitten once and been found running at large twice, up for S E C O N D reading.

Ware

Ordinance No. 5379

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** to amend Chapter 5, Animals and Fowl, of the Code of Ordinances, City of Memphis, to require mandatory spaying and neutering of cats and dogs weighing thirty pounds or more, up for S E C O N D reading.

Ware

Ordinance No. 5380

ACTION REQUESTED: Adopt the ordinance on Second reading

**ZONING ORDINANCE - FIRST READING**

10. **ORDINANCE** rezoning the southwest corner of North Dunlap Street and Mosby Avenue, containing 2.49 acres in the Multiple Dwelling Residential (R-MM) and Local Commercial (C-L) Districts and Overlay Districts: Winchester Park [WP] and Medical Overlay [MO] Districts, up for F I R S T reading.

Ford

Case No. Z 10-110

Ordinance No. 5385

Applicant: Methodist Healthcare-Memphis Hospitals  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Change to the Hospital (H) and Overlay Zones: Winchester Park [WP] and Medical Center [MO]

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

**ZONING ORDINANCES - SECOND READING**

11. **ORDINANCE** to amend the text of the Zoning Ordinance, by adopting the Midtown District Overlay as a Zoning Text Amendment, up for S E C O N D reading.

Ford

Case No. ZTA 10-001cc

Ordinance No. 5381

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

12. **ORDINANCE** to adopt the Comprehensive Rezoning, up for S E C O N D reading as follows:

Ford

Case No. Z 10-112

Ordinance No. 5382

- Amend the Official Zoning Map by adopting the proposed boundaries for the Midtown District Overlay. The Midtown District Overlay includes proposed Shop front, Pedestrian, Urban or Transitional Frontage Designations for segments of Cooper, Young, Central, Union, Madison and East Parkway
- Rezone a segment of Cooper Street and Central Avenue and the northeast corner of Southern Avenue and Cooper Street from the Highway Commercial (C-H) District to the Local Commercial (C-L) District
- Rezone the southwest corner of Central Avenue and Cooper Street from the Light Industrial (I-L) District to the Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

**ENGINEERING**

13. RESOLUTION approving final plat of GASKELL INDUSTRIAL SUBDIVISION, RESUBDIVISION OF LOT 3.

Case No. S 08-021

Resolution approves the final plat located on the west side of New Getwell Road, south of Premier Avenue.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

**NOTATIONS FROM OPD**

14. NOTATIONS from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 10-310 – CVS Pharmacy

Located on the northeast corner of Park Avenue and South Highland Street, containing 1.96 acres in the Local Commercial (C-L), Single Family Residential (R-S6) and Neighborhood Commercial (C-N) Districts. The subject site is also located within the University District Overlay

Applicant: Hart-Redd, LLC  
SR Consulting, LLC (Cindy Reaves) – Representative

Request: Planned development to permit retail use (CVS) Pharmacy

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

B. Case No PD 10-312 – Frayser Business Center P.D., Amended

Located on the east side of N. Thomas Street, 260 feet north of Stage Road, containing 24.4 acres in an area currently governed by the conditions of the Frayser Business Center Planned Development (P.D. 07-310), Plat Book 245, Page 29

Applicant: Memphis Wrecking Company  
Nathan Bicks – Representative

Request: Amend planned development to allow public use of a previously approved demolition and construction landfill facility

LUCB and OPD recommendation: APPROVAL, with conditions

**ACTION REQUESTED:** Set a date of public hearing

**SUGGESTED DATE:** September 28, 2010



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### MLGW FISCAL CONSENT

15. RESOLUTION awarding Contract No. 11406, Managed Prescription Drug Program, to Medco Health in the funded amount of \$53,869,000.00.
16. RESOLUTION awarding Contract No. 11424, Certified Laboratory for Drug Testing, to Advanced Toxicology Network in the funded amount of \$24,000.00.
17. RESOLUTION awarding Contract No. 11427, Audiolog Recorders Upgrade, to Carolina Recording System in the funded amount of \$448,651.00.
18. RESOLUTION awarding Contract No. 11443, Tire and Tire Repair Service, to Southern Tire Mart, LLC, in the funded amount of \$532,546.40.
19. RESOLUTION awarding Contract No. 11459, LCPtracker Software, to LCPtracker, Inc. in the funded amount of \$59,935.00.
20. RESOLUTION approving Change No. 8 to Contract No. 11028, Security Services, with CDA, Inc. in the funded amount of \$651,409.78. (This covers a 90-day extension, October 1, 2010 to December 31, 2010, with no increase in rates, contingent upon CDA's acceptance of the terms and conditions under the current contract).
21. RESOLUTION awarding contract for Trane chiller R'newal to Trane in the amount of \$52,362.00.
22. RESOLUTION awarding contract for Microsoft software licenses to Dell Marketing LP in the amount of \$117,769.23.
23. RESOLUTION awarding contract for remote terminal units to Telvent USA Corporation in the amount of \$177,250.00.
24. RESOLUTION awarding contract for switchgear to Stuart C. Irby in the amount of \$224,636.00.
25. RESOLUTION awarding contract for reclosers to G & W Electric Company c/o Power Connections, Inc. in the amount of \$239,550.00.
26. RESOLUTION awarding contract for smart switches and controls to Stuart C. Irby in the amount of \$436,200.00.

27. RESOLUTION awarding Contract No. 11393, Network Maintenance, to Venture Technologies, Inc. in the funded amount of \$669,311.17.
28. RESOLUTION approving Change No. 9 to Contract No. 10765, Private Label Service Agreement, with Aclara Software in the funded amount of \$127,500.00. (This change covers customization of residential Load Presentment module, including time-based electric interval meter data presentment, electric bill-to-date and rate comparison tools in My Account for access by households participating in MLGW's Smart Grid Demonstrations. This change includes all fees to host this tool through December 2012).
29. RESOLUTION approving Change No. 3 to Contract No. 11240, Influenza Vaccine, with Methodist Healthcare Alliance Health Services in the funded amount of \$32,000.00. (This change renews the contract for the third of four renewal terms, October 20, 2010 to October 19, 2011, with no increase in rates).
30. RESOLUTION approving Change No. 1 to Contract No. 11437, Emergency Aid Agreement, with Standard Electric Company in the funded amount of \$78,464.13. (This change covers work performed as a result of the storms on April 26, 2010 in the amount of \$50,243.83 and May 2, 2010 in the amount of \$28,220.30).
31. RESOLUTION awarding contract for leakage detection system to Fluid Conservation Systems in the amount of \$74,650.00.
32. RESOLUTION awarding contract for SONET Multiplexers to GE Consumer & Industrial in the amount of \$206,600.00.
33. RESOLUTION approving employment of American Disabilities Consultants, Inc. on an as-needed basis at agreed-upon hourly rates.
34. RESOLUTION approving a Lease Agreement between MLGW and Belz Investco GP for property located at 5791 Summer Trees, covering a five-year term, in an amount not to exceed \$1,617,233.00.
35. RESOLUTION awarding 24-month contract for ACSR wire to Universal Scaffolding & Equipment, LLC in the amount of \$594,079.38.
36. RESOLUTION approving appropriation of \$259,160.00 to purchase sodium hypochlorite.
37. RESOLUTION giving MLGW's Vice President and General Counsel contract authority in the amount of \$30,404.00 for a claims settlement.



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## REGULAR AGENDA

38. **APPOINTMENTS**  
Strickland

**Memphis City Beautiful Commission**

**Reappointments**

Charles M. Green  
Thomas Nolan  
Valesa S. J. Wells

**BUDGET ITEM**

39. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu-of-tax payment to the City of Memphis for Fiscal Year 2011. (Held from 6/8; 6/22)

Fullilove

ACTION REQUESTED: Adopt the resolution

**GENERAL ORDINANCES -THIRD AND FINAL READING**

40. **ORDINANCE** regulating the Encroachment of Cable and Video Services in the City's Rights-of-Way, up for T H I R D and F I N A L reading. (Held from 7/6; 8/10)

Hedgepeth

Ordinance No. 5365

ACTION REQUESTED: Take whatever action Council deems advisable

41. **ORDINANCE** to amend Chapter 28, Article VI, Division 3, of the Code of Ordinances, so as to reduce the number of allowable False Alarms, include costs and add notification process of alarm user operating without a permit, up for T H I R D and F I N A L reading. (Held from 8/24)

Conrad

Ordinance No. 5374

ACTION REQUESTED: Take whatever action Council deems advisable

42. **ORDINANCE** to amend Chapter 2 Code of Ordinances, City of Memphis to amend Certain Sections of 2-291 Relating to Real Property, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5375

ACTION REQUESTED: Take whatever action Council deems advisable

**ENGINEERING DIVISION** (None)

**EXECUTIVE DIVISION**

43. RESOLUTION appropriating \$42,000.00 for MATA, funded by G.O. Bonds General in CIP Project Number GA03001, Service Vehicles, to fund the local share for the purchase of service vehicles in Fiscal Year 2010 as part of the Fiscal Year 2011 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION appropriating \$80,000.00 for MATA, funded by G.O. Bonds General in CIP Project Number GA03022, Advanced Public Transportation Systems, to fund the local share of costs as part of the Fiscal Year 2011 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION appropriating \$5,250,000.00 for MATA, funded by G.O. Bonds General in CIP Project Number GA03018, Preventive Maintenance, to fund costs for maintenance of capital assets for MATA in Fiscal Year 2011 as part of the Fiscal Year 2011 Capital Improvement Budget.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**FINANCE & ADMINISTRATION**

46. RESOLUTION appropriating \$400,000.00 in Other Project Cost funded by G.O. Bonds General to continue the implementation of the Urban Art Plan, CIP Project Number EN01003, chargeable to the FY 2011 Capital Improvement Budget.

Flinn

ACTION REQUESTED: Adopt the resolution

**DIVISION OF FIRE SERVICES** (None)

**DIVISION OF GENERAL SERVICES** (None)

**DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT**

47. RESOLUTION appropriating the sum of \$2,300,000.00 of the FY 2011 Capital Improvement Budget for the MHA-Legends Park (Dixie Homes) Project to provide funding for on-site construction, infrastructure improvements, site preparation and related activities.

Brown

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION supporting the development plans for Lamar Terrace Hope VI, also known as the University Place Revitalization Project, including the parcels and land set aside for a City of Memphis Police substation.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**DIVISION OF HUMAN RESOURCES**

49. RESOLUTION amending the FY2011 Operating Budget to re-instate the prior year funding level of the Tuition Reimbursement Program by transferring an allocation and appropriation of \$902,211.00 across the Human Resources Division legal levels and operating categories. (Held from 8/24)

Strickland

NO RECOMMENDATION

**INFORMATION SERVICES** (None)

**LAW DIVISION** (None)

**MLGW DIVISION** (None)

**PARK SERVICES**

50. RESOLUTION requesting the Administration to prepare a Request for Proposals to identify interested parties to operate the remaining city-owned community centers in an effort to increase efficiencies. (Held from 7/20; 8/10) **“This item will be officially withdrawn by the sponsor at tonight’s meeting.”**

Boyd

ACTION REQUESTED: Adopt the resolution

**DIVISION OF POLICE SERVICES**

51. RESOLUTION accepting grant funds in the amount of \$1,000.00 from the Community Foundation of Middle Tennessee for the 2010 G.R.E.A.T. Summer Camp Program. The City of Memphis Division of Police Services is the fiscal agent for the award. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

52. RESOLUTION accepting grant funds in the amount of \$43,878.00 from the U.S. Department of Justice – Bureau of Justice Assistance for the 2009 Project Safe Neighborhoods (PSN) award. The award to the City of Memphis Division of Police Services is a sub award through the University of Memphis. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

53. RESOLUTION accepting grant funds in the amount of \$101,875.00 from the U.S. Department of Justice – Bureau of Justice Assistance for the 2010 Project Safe Neighborhoods (PSN) award. The City of Memphis Division of Police Services is the fiscal agent for the award and will sub award to the District Attorney General's Office. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

54. RESOLUTION accepting grant funds in the amount of \$323,083.00 from the U.S. Department of Justice – Bureau of Justice Assistance for the 2009 Congressionally Selected Award for the project entitled, "Operation Safe Community: Data Driven Strategies to Reduce Violent and Gang Crime." The award to the City of Memphis Division of Police Services is a sub award through the University of Memphis. Resolution also amends the FY 2011 Operating Budget to establish and appropriate grant funds.

Lowery

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC SERVICES**

55. RESOLUTION requesting the Administration to remove funding from proposed FY 2011 O&M Budget to cover costs associated with vehicle inspections. (Held from 4/13; 5/11; 6/22; 7/20; 8/10).

Ware

ACTION REQUESTED: Adopt the resolution

**DIVISION OF PUBLIC WORKS**

56. RESOLUTION amending the FY 2011 Capital Improvement Budget by transferring an allocation of \$3,499,722.00 funded by Federal Grant Funds from American Recovery and Reinvestment Act from ARRA Repaving, Project Number PW01198 to ARRA Repaving Group – 3, Project Number PW01205. Resolution also appropriates \$3,499,722.00 funded by Federal Grant Funds in ARRA Repaving Group – 3, Project Number PW01205 for a construction contract with APAC – TENN.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

57. RESOLUTION accepting Federal Grant Funds from the State of Tennessee Department of Transportation and establishing an allocation in the amount of \$500,000.00 for engineering activities and \$975,312.00 for construction in Elvis Presley/Shelby/Winchester, Project Number PW01064. Resolution also amends the FY 2011 Capital Improvement Budget by transferring allocations and appropriations in the amount of \$444,600.00 in Federal Grant Funds and \$144,320.00 in G.O. Bonds General from US 51/Elvis Presley Blvd., Project Number PW01210 to Elvis Presley/Shelby/Winchester, Project Number PW01064.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

**GENERAL ITEMS**

58. RESOLUTION by the Memphis City Council that the Memphis Cook Convention Center and the Convention and Visitors Bureau support the first Memphis Comic and Fantasy Convention and provide as much assistance as we are able to ensure that this event will become a yearly tradition in our city which will grow bigger than the last.

Conrad

ACTION REQUESTED: Adopt the resolution

59. RESOLUTION by the Memphis City Council that all stadium stakeholders including the University of Memphis, Southern Heritage Classic and the AutoZone Liberty Bowl have the right and discretion to full access to the area formerly known as the Libertyland site and to use it as it so desires.

Collins

ACTION REQUESTED: Adopt the resolution

**APPEARANCE CARDS FOR PUBLIC SPEAKING**

**ADJOURNMENT**

**ADD-ONS**

60. RESOLUTION recognizing October 4-8, 2010 as Minority Enterprise Development Week.  
Consent

ACTION REQUESTED: Adopt the resolution

**Special Item #1** – (Appointment to the Healthcare Oversight Committee – Dr. William Hickerson)

**Special Items #2 & #3** - (Memphis City Schools Budget)

**ACTION TAKEN BY COUNCIL ON THIS DATE**

1. Through 13 – Approved
14. Public Hearing Set for September 28, 2010
15. Held until September 28, 2010
16. Through 38 – Approved
39. Held until September 28, 2010
40. Held until October 12, 2010
41. Held until September 28, 2010
42. Through 48 – Approved
49. Sent Back to Committee on September 28, 2010
50. Dropped
51. Through 54 – Approved
55. Withdrawn
56. Through 60 – Approved

**ACTION TAKEN ON THE MINUTES OF AUGUST 24, 2010 MEETING**

Approved

**ACTION TAKEN ON THE MINUTES OF ITEMS #35, #36 & #37, FROM TONIGHT'S MEETING**

Approved